

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 4/3/2024

BRIAN COKE NG,

Plaintiff,

-against-

SEDGWICK CMS HOLDINGS, INC., SEDGWICK
GLOBAL INC., SEDGWICK, INC., and
SEDGWICK, L.P.,

Defendants.

1: 23-cv-10380-MKV

ORDER TO SERVE

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff commenced this action on November 28, 2023 by filing a Complaint. [ECF No. 1]. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

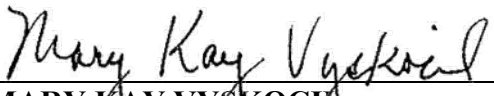
However, two days before Plaintiff's 90-day period to serve Defendants had elapsed, Plaintiff filed an Amended Complaint. [ECF No. 4]. Accordingly, IT IS HEREBY ORDERED that Plaintiff shall serve Defendants and file proof of such service of the Amended Complaint on the docket **by April 19, 2024**. *See Vaheer v. Town of Orangetown, N.Y.*, 916 F. Supp. 2d 404, 419 (S.D.N.Y. 2013) ("Federal Rule of Civil Procedure 4(m) provides that "[i]f a defendant is not served *within 120 days after the complaint is filed*, the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time.").

If proof of service has not been filed by that date, and Plaintiff fails to show good cause why the time for service should be further extended, the Court will dismiss this case. **Plaintiff is on notice that failure to comply with court orders and prosecute this case may result in**

dismissal with prejudice pursuant Rule 41(b) of the Federal Rules of Civil Procedure. *See*
Link v. Wabash R. Co., 370 U.S. 626, 633 (1962).

SO ORDERED.

Date: April 3, 2024
New York, NY



MARY KAY VYSKOCIL
United States District Judge